

HOUSE BILL 4129

By Odom

AN ACT to amend Tennessee Code Annotated,
Title 67 and Chapter 602 of the Public
Acts of 2007, relative to taxation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-6-330(a), is amended by deleting subdivision (3) in its entirety.

SECTION 2. Chapter 602 of the Public Acts of 2007 is amended by repealing Section 152 in its entirety.

SECTION 3. Tennessee Code Annotated, Section 67-6-102(71)(A), is amended by deleting subdivision (vi) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 67-6-204, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

It is declared to be the intention of this chapter to impose a tax on the sales price of all leases and rentals of tangible personal property and computer software in this state where the lease or rental is a part of the regularly established business, or the lease or rental is incidental or germane thereto.

SECTION 5. Tennessee Code Annotated, Section 67-6-205(c), is amended by deleting subdivision (4) in its entirety and substituting instead the following:

(4) The performing, for a consideration, of any repair services with respect to any kind of tangible personal property or computer software;

SECTION 6. Tennessee Code Annotated, Section 67-6-205(c), is amended by deleting subdivision (6) in its entirety and substituting instead the following:

(6) The installing of tangible personal property that remains tangible personal property after installation and the installing of computer software, where a charge is made for such installation, whether or not such installation is made as an incident to the sale of tangible personal property or computer software, and whether or not any tangible personal property or computer software is transferred in conjunction with the installation service;

SECTION 7. Tennessee Code Annotated, Section 67-6-334(b), is amended by deleting subdivision (4) in its entirety and substituting instead the following:

(4) The exemption provided in this section shall not apply to energy fuels sold over the counter at the location of the seller except as follows:

(A) Propane sold over the counter in cylinders with a capacity of one hundred pounds (100 lbs.) or more directly to the consumer for residential use shall be exempt from the tax levied by this chapter; and

(B) Kerosene dispensed directly to the consumer through a metered pump for residential use shall be exempt from the tax levied by this chapter.

SECTION 8. Sections 1 and 2 of this act shall take effect on July 1, 2008, the public welfare requiring it. Section 3 of this act shall take effect on July 1, 2009, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.